



JUN 13 2006 12:15PM Tim Ellis

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p. 1

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Facsimile Cover Sheet

Confidential

DATE: June 13, 2006

TO: United States Patent and Trademark Office

FAX NUMBER: (571)273-2885

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 10

SUBJECT: Application No. 10/623,034
Attorney Docket No. Digenetics-001

This facsimile includes the following documents:

- 1) Facsimile Cover Sheet
- 2) Transmittal Form
- 3) Issue Fee Transmittal
- 4) Credit Card Payment Form
- 5) Comments on statement of reasons for allowance (2 pages)
- 6) Letter Concerning the Determination of Patent Term Adjustment (2 pages plus 2 attachment sheets)

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PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/623,034
Filing Date	7/18/03
First Named Inventor	Fogel
Art Unit	2671
Examiner Name	Repko, Jason
Attorney Docket Number	Digenetics-001

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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Facsimile Cover Sheet -Issue Fee Transmittal -Credit Card Payment Form -Comments on Statement of Reasons for Allowance (2 pages)
Remarks: _____ Additional Enclosure(s): -Letter Concerning the Determination of Patent Term Adjustment (2 pages plus 2 attachment sheets)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Timothy Ellis, Patent Attorney		
Signature	<i>Tim Ellis</i>		
Printed name	Timothy Ellis		
Date	6-13-06	Reg. No.	41,734

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Tim Ellis</i>		
Typed or printed name	Timothy Ellis	Date	6-13-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fogel et al.) Group Art Unit: 2671
Application No. 10/623,034) Examiner: Repko, Jason
Confirmation No. 6459)
Filing Date: 7/18/03)
Attorney Doc. No. Digenetics-001)
Title: Method for presenting a)
virtual reality environment)
for an interaction)

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Tim Ellis

TIMOTHY N. ELLIS, REG. NO. 41,734

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant respectfully submits the following comments in response to the examiner's statement of reasons for allowance. The applicant submits that there are alternative bases for the allowability of the claims, which are not stated by the examiner. Also, the applicant does not necessarily agree with the examiner's wording concerning the claims, because the examiner has paraphrased the claims rather than using the exact wording of the claims, and because the examiner has grouped together claims

Docket No. Digenetics-001
App. No. 10/623,034

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that have different wording. Further, the applicant does not necessarily agree with the examiner's characterization of the references.

Respectfully submitted,



Timothy N. Ellis
Reg. No. 41,734
Attorney for Applicant
telephone (858)455-7977



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fogel et al.) Group Art Unit: 2671
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ALEXANDRIA, VA 22313-1450
ON (DATE) JUNE 13, 2006
Tim Ellis
TIMOTHY N. ELLIS, REG. NO. 41,734

LETTER CONCERNING THE DETERMINATION OF PATENT TERM ADJUSTMENT

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant notes that the paper titled "Determination of Patent Term Adjustment under 35 U.S.C. 154(b)", that was included with the Notice of Allowance, includes only the heading area and the title, and is otherwise blank. A copy of the "Determination of Patent Term Adjustment under 35 U.S.C. 154(b)" that was included with the Notice of Allowance is attached. Additionally, a copy of a sheet titled "Patent Term Adjustments", for application no. 10/623,034, that the applicant obtained from the

Docket No. Digenetics-001
App. No. 10/623,034

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Private PAIR system at the U.S. Patent and Trademark Office, on 6-12-06, and which indicates "Total PTA (days): 369" is also attached.

Respectfully submitted,

Tim Ellis

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,034	07/18/2003	David B. Fogel	DIGENETICS-001	6459
31070	7590	03/13/2006	EXAMINER	
TIMOTHY N. ELLIS, PATENT ATTORNEY 8680 VIA MALLORCA, SUITE D LA JOLLA, CA 92037			REPKO, JASON MICHAEL	
			ART UNIT	PAPER NUMBER
			2671	
			DATE MAILED: 03/13/2006	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/623,034

Filing or 371(c) Date:	07-18-2003	USPTO Delay (PTO) Delay (days):	369
Issue Date of Patent:	null	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	0
Post-Issue Petitions (days):	+0	Total PTA (days):	369
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
03-13-2006	Mail Notice of Allowance		
03-13-2006	Mail Examiner Interview Summary (PTOL - 413)		
03-13-2006	Mail Examiner's Amendment		
03-08-2006	Notice of Allowance Data Verification Completed		
03-06-2006	Examiner's Amendment Communication		
02-06-2006	Examiner Interview Summary Record (PTOL - 413)		
01-05-2006	Date Forwarded to Examiner		
12-22-2005	Response after Non-Final Action		
09-22-2005	Mail Non-Final Rejection	369	
09-19-2005	Non-Final Rejection	↑	
08-05-2004	Information Disclosure Statement considered	↑	
08-03-2005	Case Docketed to Examiner In GAU	↑	
07-27-2005	IFW TSS Processing by Tech Center Complete	↑	
07-25-2005	Case Docketed to Examiner in GAU	↑	
08-05-2004	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	↑	
08-05-2004	Information Disclosure Statement (IDS) Filed	↑	
10-22-2003	Application Return from OIPE	↑	
10-22-2003	Application Return TO OIPE	↑	
10-21-2003	Application Dispatched from OIPE	↑	
10-22-2003	Application Is Now Complete	↑	
07-18-2003	PGPubs nonPub Request	↑	
10-08-2003	Cleared by OIPE CSR	↑	
08-21-2003	IFW Scan & PACR Auto Security Review	↑	
07-18-2003	Initial Exam Team nn	↑	

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